

to major improvements in the housing, pay, promotion, and medical care of Air Force personnel. General LeMay has consistently demonstrated professional qualities which are in the best tradition of military service, and his accomplishments and leadership have contributed substantially to the security of the United States and the free world. His singular achievements as Chief of Staff of the Air Force culminate a long and distinguished career of more than 35 years in the service of his country. They reflect the highest credit upon himself and upon the U.S. Air Force.

Mr. WHITENER. I commend the gentleman for his fine remarks which come from an abundance of association with this great American to whom we are paying tribute today.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, as a member of the Committee on Armed Services it was also my privilege, along with members of the Military Affairs Subcommittee of the Appropriations Committee of this House, to represent the House of Representatives at the White House where General LeMay received the Distinguished Service Medal. That within itself is a rarity.

This man has been much decorated, and justly deserves it. He is a paragon of virtue of rugged principle. He has stood alone in organizing the great deterrent that this Nation has afforded the entire world against aggressors in the interest of maintaining peace. He was the founder of the Strategic Air Command, and the Chief of Staff of a great Air Force, the introducer of more "eggs in our basket," as he so well likes to refer to it, in the interest of deterring aggression.

He stated in great humility and with much emotion on this occasion today that he leaves, certainly with emotion, but without fear, because he leaves in the hands of the Commander in Chief what he considers to be the greatest staff that has ever been built, ever ready to defend this Nation, and to always act as a deterrent against those who might seek aggression, that individuals might gain for their sovereign nations. In addition to that he has performed great humanitarian missions whenever the Commander in Chief desired.

I thank the gentleman for yielding.

(Mr. HALL asked and was given permission to revise and extend his remarks.)

Mr. WHITENER. Mr. Speaker, I thank the gentleman for his comments.

Mr. MATTHEWS. Mr. Speaker, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Florida.

Mr. MATTHEWS. Mr. Speaker, I want to thank the distinguished gentleman from North Carolina [Mr. WHITENER] for giving many of us an opportunity to pay our tribute to General LeMay. As a member of the great Committee on Armed Services, I too share with my colleagues their admiration for this outstanding American. His ability and his patriotism have endeared him to all of his fellow citizens.

I wish to join with the gentleman from North Carolina and others in expressing to this distinguished general our heartfelt thanks for the magnificent service he has rendered his country.

Mr. WHITENER. Mr. Speaker, I thank my other colleagues who have joined in this expression of appreciation for the life and service already performed by Gen. Curtis LeMay. I know we will all look forward to many more years of outstanding service in the cause of freedom and of peace in the world. While his name will not be on the active roll of the military, I am sure it will be on the active roll of dedicated and patriotic Americans. Again, I salute this great American. Gen. Curtis LeMay, as he retires from active military duty.

Mr. SIKES. Mr. Speaker, the last of the great wartime figures is leaving the military service. Gen. Curtis LeMay, whose name was for years synonymous with Strategic Air Command and who subsequently has been charged with command responsibility for the entire Air Force, is retiring today as Chief of Staff of the U.S. Air Force.

After 35 years in uniform, 22 of them as a general officer, he has earned all the blessings of retirement. As he leaves the service he carries with him the plaudits of a grateful Nation to which he has contributed much.

A perfectionist, he insisted on utmost precision and efficiency in every command—and he achieved it. Much of the Nation's immediate striking power since the Korean war has been in his hands and it was always maintained at the highest state of readiness.

There are not many Curt LeMays. He is a great warrior—one of the greatest of all.

Mr. LAIRD. Mr. Speaker, a great American is retiring from active service in the Armed Forces today. He is one of the true giants who has made the service of his country his lifelong career.

The distinguished record and the many contributions of Gen. Curtis E. LeMay will long be remembered by every American citizen who has acquainted himself with the defense and national security problems of our country.

His World War II record was an outstanding one but he will probably be remembered best for his achievements as Commander of the Strategic Air Command. As Commander of SAC for nearly 10 years, General LeMay was largely responsible for making the American jet bombers the predominant military force in the world today. His outstanding contributions to the defense needs of our country in its most critical period have earned him the gratitude of millions of Americans.

Great men who retire do not often fade away. It is to be expected and hoped for that the experience and counsel of General LeMay will long be available and utilized by his successors.

Mr. Speaker, General LeMay appeared often before our Defense Appropriations Subcommittee in recent years. He was always knowledgeable, but even more importantly he was a straightforward witness. His insights into the problems

we face and the forces we need as we look into the future were extremely valuable to me and to the other members of our committee.

The Air Force and our country are losing the full-time services of a career officer whose every action was dictated by conviction, dedication to our national interest, and love of country. It is to be hoped that his valuable knowledge and experience will continue to be available for years to come.

#### GENERAL LEAVE TO EXTEND REMARKS

Mr. WHITENER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on General LeMay, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### CONSTITUTIONAL PROVISION ASSURING THE ORDERLY DISCHARGE OF THE POWERS AND DUTIES OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 89)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

In 1787, Benjamin Franklin remarked near the conclusion of the Constitutional Convention at Philadelphia, "It astonishes me, sir, to find this system approaching so near to perfection as it does."

One hundred and seventy-eight years later the relevance of that Constitution of 1789 to our society of 1965 is remarkable. Yet it is truly astonishing that, over this span, we have neither perfected the provisions for orderly continuity in the Executive direction of our system nor, as yet, paid the price our continuing inaction so clearly invites and so recklessly risks.

I refer, of course, to three conspicuous and long-recognized defects in the Constitution relating to the office of the Presidency:

1. The lack of a constitutional provision assuring the orderly discharge of the powers and duties of the President—Commander in Chief—in the event of the disability or incapacity of the incumbent.

2. The lack of a constitutional provision assuring continuity in the office of the Vice President, an office which itself is provided within our system for the primary purpose of assuring continuity.

3. The lack of a constitutional provision assuring that the votes of electors in the electoral college shall without question reflect the expressed will of the people in the actual election of their President and Vice President.

February 1

Over the years, as I have noted, we have escaped the mischief these obvious omissions invite and permit. Our escape has been more the result of providence than of any prudence on our part. For it is not necessary to conjure the nightmare of nuclear holocaust or other national catastrophe to identify these omissions as chasms of chaos into which normal human frailties might plunge us at any time.

On at least two occasions in our history, and perhaps others, American Presidents—James Garfield and Woodrow Wilson—have for prolonged periods been rendered incapable of discharging their Presidential duties. On 16 occasions in our 36 administrations, the office of Vice President has been vacant—and over the two perilous decades since the end of the Second World War, that vital office has been vacant the equivalent of 1 year out of 4. Finally, over recent years, complex but concerted campaigns have been openly undertaken—fortunately without success, as yet—to subvert the electoral college so that it would register not the will of the people of individual States but, rather, the wishes of the electors themselves.

The potential of paralysis implicit in these conditions constitutes an indefensible folly for our responsible society in these times. Commonsense impels, duty requires us to act—and to act now, without further delay.

Action is in the tradition of our forebears. Since adoption of the Bill of Rights—the first 10 amendments to our Constitution—9 of the 14 subsequent amendments have related directly either to the offices of the Presidency and Vice-Presidency or to assuring the responsiveness of our voting processes to the will of the people. As long ago as 1804 and as recently as 1964, Americans have amended their Constitution in striving for its greater perfection in these most sensitive and critical areas.

I believe it is the strong and overriding will of the people today that we should act now to eliminate these unhappy possibilities inherent in our system as it now exists. Likewise, I believe it is the consensus of an overwhelming majority of the Congress—without thought of partisanship—that effective action be taken promptly. I am, accordingly, addressing this communication to both Houses to ask that this prevailing will be translated into action which would permit the people, through the process of constitutional amendment, to overcome these omissions so clearly evident in our system.

#### I. PRESIDENTIAL INABILITY

Our Constitution clearly prescribes the order of procedure for assuring continuity in the office of the Presidency in the event of the death of the incumbent. These provisions have met their tragic tests successfully. Our system, unlike many others, has never experienced the catastrophe of disputed succession or the chaos of uncertain command.

Our stability is, nonetheless, more superficial than sure. While we are prepared for the possibility of a President's death, we are all but defenseless against the probability of a President's incapacity by injury, illness, senility, or other

affliction. A nation bearing the responsibilities we are privileged to bear for our own security—and the security of the free world—cannot justify the appalling gamble of entrusting its security to the immobilized hands or uncomprehending mind of a Commander in Chief unable to command.

On September 29, 1964, the Senate passed Senate Joint Resolution 139, proposing a constitutional amendment to deal with this perplexing question of presidential disability—as well as the question, which I shall discuss below, of filling vacancies in the office of Vice President. The same measure has been introduced in this Congress as Senate Joint Resolution 1 and House Joint Resolution 1. The provisions of these measures have been carefully considered and are the product of many of our finest constitutional and legal minds. Believing, as I do, that Senate Joint Resolution 1 and House Joint Resolution 1 would responsibly meet the pressing need I have outlined, I urge the Congress to approve them forthwith for submission to ratification by the States.

#### II. VACANCY IN THE OFFICE OF THE VICE PRESIDENT

Indelible personal experience has impressed upon me the indisputable logic and imperative necessity of assuring that the second office of our system shall, like the first office, be at all times occupied by an incumbent who is able and who is ready to assume the powers and duties of the Chief Executive and Commander in Chief.

In our history, to this point, the office of the Presidency has never devolved below the first clearly prescribed step of constitutional succession. In moments of need, there has always been a Vice President, yet Vice Presidents are no less mortal than Presidents. Seven men have died in the office and one has resigned—in addition to the eight who left the office vacant to succeed to the Presidency.

We recognized long ago the necessity of assuring automatic succession in the absence of a Vice President. Various statutes have been enacted at various times prescribing orders of succession from among either the Presiding Officers of the Houses of Congress or the heads of executive departments who, together, comprise the traditional Cabinet of the President. In these times, such orders of succession are no substitute for an office of succession.

Since the last order of succession was prescribed by the Congress in 1947, the office of the Vice Presidency has undergone the most significant transformation and enlargement of duties in its history.

Presidents Truman, Eisenhower, and Kennedy have successively expanded the role of the Vice President, even as I expect to do in this administration.

Once only an appendage, the office of Vice President is an integral part of the chain of command and its occupancy on a full-time basis is imperative.

For this reason, I most strongly endorse the objective of both Senate Joint Resolution 1 and House Joint Resolution 1 in providing that whenever there is a vacancy in the office of Vice President,

provision shall exist for that office to be filled with a person qualified to succeed to the Presidency.

#### III. REFORM OF THE ELECTORAL COLLEGE SYSTEM

We believe that the people should elect their President and Vice President. One of the earliest amendments to our Constitution was submitted and ratified in response to the unhappy experience of an electoral college stalemate which jeopardized this principle. Today there lurks in the electoral college system the ever-present possibility that electors may substitute their own will for the will of the people. I believe that possibility should be foreclosed.

Our present system of computing and awarding electoral votes by States is an essential counterpart of our Federal system and the provisions of our Constitution which recognize and maintain our Nation as a union of States. It supports the two-party system which has served our Nation well. I believe this system should be retained. But it is imperative that the electoral votes of a State be cast for those persons who receive the greatest number of votes for President and Vice President—and for no one else.

At the same time, I believe we should eliminate the omission in our present system which leaves the continuity of the offices of President and Vice President unprotected if the persons receiving a majority of the electoral votes for either or both of these offices should die after the election in November and before the inauguration of the President.

Electors are now legally free to choose the President without regard to the outcome of the election. I believe that if the President-elect dies under these circumstances, our laws should provide that the Vice-President-elect should become President when the new term begins. Conversely, if death should come to the Vice-President-elect during this interim, I believe the President-elect should, upon taking office, be required to follow the procedures otherwise prescribed for filling the unexpired term of the Vice President. If both should die or become unable to serve in this interim, I believe the Congress should be made responsible for providing the method of selecting officials for both positions. I am transmitting herewith a draft amendment to the Constitution to resolve these problems.

Favorable action by the Congress on the measures here recommended will, I believe, assure the orderly continuity in the Presidency that is imperative to the success and stability of our system. Action on these measures now will allay future anxiety among our own people—and among the peoples of the world—in the event senseless tragedy or unforeseeable disability should strike again at either or both of the principal offices of our constitutional system. If we act now, without undue delay, we shall have moved closer to achieving perfection of the great constitutional document on which the strength and success of our system have rested for nearly two centuries.

LYNDON B. JOHNSON.  
THE WHITE HOUSE, January 28, 1965.